IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 21176 of 2004

Between:

Vangapandu Appalaswamy, S/o Appala Naidu, Retired Principal
R/o Sharada Nagar, Pendurthi Village & Mandal, Visakhapatnam District.

..... PETITIONER

AND

1 The Pendurthi Gram Panchayat, Pendurthi, Visakhapatnam District,
Rep. by its Panchayat Secretary.
2 The Mandal Revenue Officer, Pendurthi Mandal,Pendurthi, Visakhapatnam
District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring action of the 2nd respondent in not conducting survey as per the Resolution No. 70, dated 25-3-2003 of the 1st respondent Gram Panchayat vide its letter in Rc.No.156/2001 dated 31-3-2003 is illegal and arbitrary and consequently direct the respondents to remove the encroachments on Plot Nos. 103, 104, 107, 99, 79 and 106 in Sy.No. 277 of Sharadanagar colony, Pendurthi Village and Mandal, Visakhapatnam District.,

Counsel for the Petitioner: MR.GADEVENKATESWARA RAO

Counsel for the Respondent No.1:MR. DAMMALAPATI SRINIVAS, S.C. FOR GRAMPANCHAYAT

Counsel for the Respondent No.2: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the stage of admission, made the following :

ORDER

Heard the learned counsel for the petitioner and learned Government Pleader for G.P. for Panchayat Raj and Rural Development. Both the counsel requested for disposal of the writ petition at the stage of admission itself.

Admittedly, the lands in Sy.No.277 (part) of Pendurthi Gram Panchayat, Visakhapatnam District, which belongs to the Government were converted into house plots after obtaining the approved lay-outs and the same were also assigned to the employees of the Education and other Departments. On the representation submitted by the petitioner alleging the encroachments on the proposed road in the said land, the Gram Panchayat in the general meeting passed a resolution on 25.3.2003 in the light of the order passed by this Court in W.P.No.1581 of 2003 dated 3.2.2003 for surveying the land and to know the encroachments alleged to have been made. By passing such resolution, the Gram Panchayat requested the second respondent to survey the land, which was made into plots and was assigned to the various persons. This writ petition is filed complaining inaction on the part of the second respondent in surveying the lands as requested by the Gram Panchayat.

Since there is a requisition from the local Government to the second respondent to survey the land, which was made into plots by the Government and allotted to the employees of various departments, the Mandal Revenue Officer, Pendurthi-second respondent is hereby directed to take steps to survey and identify the encroachments, if any, as alleged, if not already conducted, by advance intimation to all the parties who are in occupation of the land in question, within a period of three months from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No costs.

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A. GOPAL REDDY. J.

19th November, 2004

tsr.

To

1 The Panchayat Secretary, Pendurthi Gram Panchayat, Pendurthi, Visakhapatnam District,
2 The Mandal Revenue Officer, Pendurthi Mandal,Pendurthi, Visakhapatnam District.

3. Two C.C.s to Government Pleader for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad.(OUT)

4 Two C.D. copies.